

SCOTT N. SCHOOLS (SC 9990)
 United States Attorney
 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 MELANIE L. PROCTOR (CSBN 228971)
 Melanie.Proctor@usdoj.gov
 Assistant United States Attorney

 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-6730
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NARGIS NIAZ,)	No. C07-4030 MMC
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	[PROPOSED] ORDER ON
Department of Homeland Security;)	DEFENDANTS' MOTION FOR
CONDOLEEZZA RICE, Secretary,)	SUMMARY JUDGMENT
Department of State,)	
)	
Defendants.)	

[PROPOSED] ORDER

Plaintiff asks this Court to compel Defendants to expeditiously process the visa petition she filed on behalf of her husband. However, the U.S. Citizenship and Immigration Services has concluded its action on the matter, and transmitted the approved visa petition to the Department of State. Accordingly, Plaintiff's claims against Defendant Chertoff are now moot. Furthermore, the visa issuing process is not subject to judicial review. Even were the Court able to review the actions of the Department of State's National Visa Center, the petition has been pending for less than two months, and is expected to be processed within the next four months. This time frame is not unreasonable, nor does it warrant issuance of the extraordinary writ of mandamus.

///

1 Accordingly, the Court hereby GRANTS Defendants' Motion for Summary Judgment. The
2 case is hereby CLOSED.

3 IT IS SO ORDERED.

4 Dated:

5 MAXINE M. CHESNEY
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28